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AUG 7 43 PH '99 Paul Pitts
619 Jaime Lynn Court
Edwardsville, IL 62025-8000
618.656.7219 (H)
618.650.2332 (W)

MM 99-25 ORIGINAL

FX PARTE OR LATE FILED

July 20, 1999

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OCT 25 1999

OFFICE OF THE SECRETARY

Mr. William E. Kennard Chairman, Federal Communications Commission Federal Communications Commission 445 12th Street S.W. Washington, DC 20554

RE: Comments in Support of Low Power FM Stations (Docket MM 99-25)

Dear Chairman Kennard:

I thank you and the Commission for allowing the various publics and industry to express opinions regarding Low Power FM Stations (LPFM). I appreciate this opportunity to voice my support for the proposal.

The proposal allows more communication within communities where access to airwaves is limited. It addresses this need by opening access for more Americans to benefit from using <u>public airwaves</u>. And as others, more experienced than I am in such matters, has expressed, LPFM can be accomplished in such a way to protect the integrity of the existing broadcasting FM system. Equally important, the Commission's proposal is a unique opportunity for local communities to have their voices carried and heard through their own communities. This need is not fully met by the current FM broadcasting system. LPFMs will meet this need.

Finally, I call upon the FCC to adopt the LPFM proposal without causing undue hardship on the existing FM system or impeding the development of digital radio. This would be a step in the right direction.

Thank you for your consideration.

Sincerely,

Paul Pitts

MM 99-25

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Aug 2 || 13 AM '99 July 29, 1999

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Vía: Express Mail

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THE P ME SECRETARY

The Honorable William E. Kennard Chairman Federal Communications Commission 445 12th Street, S.W. Room 8-B210 Washington, DC 20554

LOW POWER FM PROPOSED RULE MARKETING RE:

Dear Chairman Kennard:

I am writing in opposition to the creation of a new low power FM radio service as proposed in the Commission's Notice of Proposed Rule Making ("NPRM"), released February 3, 1999. I am a radio broadcaster on the island of Puerto Rico. Puerto Rico possesses a number of unique factors which make it ill-suited to the expansion of the FM band. Puerto Rico, therefore, should be excluded from whatever rulemaking the Commission undertakes with regard to low power FM radio.

The island of Puerto Rico is a relatively small land area, less than 100 miles long and roughly 35 miles wide, that is currently saturated with AM and FM broadcast stations. Compared to the United States, Puerto Rico is made up of a mere 3,427 square miles, less than one tenth of one percent of the land area of the United States, a land area slightly larger than the State of Delaware. Nonetheless, despite its relatively small size, Puerto Rico has roughly 120 licensed radio stations. By comparison, Delaware has a mere 28 radio stations for an area roughly similar in size.

Puerto Rico has a unique topography. It is a small island with a large mountain range dividing the island from east to west. As a result, a disproportionately large number of radio stations have been licensed in Puerto Rico, many of which are licensed to small communities. Currently, all communities in Puerto Rico are well served by the existing AM and FM stations.

Another factor which makes Puerto Rico ill-suited to the newly proposed class of FM stations is the fact that the island has been designated by the FCC as a "coordination zone," designated to protect the Arecibo Radio Astronomy Observatory near Arecibo, Puerto Rico from radio interference. 1 In its Report and Order, the Commission stated that "the Observatory is a

¹ Amended of the Commission's Rules to Establish a Radio Astronomy Coordination Zone in Puerto Rico, Report and Order, ET Docket No. 96-2, RM-8165, October 15, 1997.

The Honorable William E. Kennard July 29, 1999 Page No. 2

unique scientific tool, and... harmful interference to the Observatory's operations is a serious concern."² As a coordination zone, all broadcasters on the island are currently required to coordinate license modifications with the Observatory. Thus, to add the new class of stations to the island would not only add to the congestion of the radio frequencies, but also increase the likelihood of interference to the Observatory. Given the priority the Commission has placed on protecting the Observatory from interference, it would be inconsistent with the *Report and Order* to flood the Puerto Rican airwaves with even more radio stations.

In sum, such service would not benefit the residents of Puerto Rico, where a great number of radio stations adequately serve the public, and the broadcast spectrum is already crowded. As such, Puerto Rico would be better served without microradio broadcasting to further clutter the airwaves and it should be excluded from any rulemaking that the Commission undertakes in this matter.

Respectfully submitted:

Date: July 29, 1999

Felix A. Bonnet Alvarez Senior Vice-president

pr

c: H. Hattler





PORTLAND FUELVESCHOOLS

501 N. Dixon Street / Portland, Oregon 97227 Telephone: (503) 916-3900 FAX: (503) 916-3110 Mailing Address: P.O. Box 3107 7 97208-3107 E-mail Address: superintendent@pps.k12.or.us ORIGINAL
Benjamin O. Canada, Ph.D.
Superintendent

Superintendent

OFFICE OF THE SUPERINTENDENT

July 19, 1999

EX PARTE OR LATE FILED

The Honorable William E. Kennard, Chairman FEDERAL COMMUNICATIONS COMMISSION 425 12th Street, S.W. Washington, DC 20554

OCT 25 1999

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OFFICE OF THE SECRETARY

Dear Chairman Kennard:

I am writing in regard to the FCC low power FM (LPFM) radio proceeding. (MMDocket 99-25) Our school district holds the license for the local classical music public radio station KBPS, and we are concerned about an aspect of the FCC's proposal.

The Commission should not proceed with action on LPFM until the technical studies underway are concluded and it is established that this proposed service will not disrupt or impair existing service or the transition to digital radio. Our station, KBPS, provides the only classical music and fine arts service in our listening area, and as such, is very important to many of our citizens. We would be very disturbed if this service were interfered with and those listeners could no longer be served adequately.

We believe the prudent course is to delay this proceeding until the results of the tests are known. This matter is very important to us and we urge you to give it consideration.

Sincerely,

Benjamin Ø. Canada, Ph.D.

Superintendent of Schools

Carol J. Matarazzo

Assistant Superintendent

Secondary Academic Accountability

C: Oregon Congressional Delegation

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Miami, June 2, 1999.

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OCT 25 1999

Letter to the Director of the F.C.C, Mr. Kennard (Washiton D.C.)

OR THE CHAIRMAN

TOMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

In the name of the Haitian community of South Florida of Miami in particular, we are saluting you and presenting to you our compliments for the services that you are rendering at the head of the Institution that you are directing.

The reason which pushes us to write to you, Mr. Director, is one of the most important. The purpose is none other but, to ask you to grant to the Haitian community the chance to have a non commercial Radio Station on the extended AM. band.

We want to express in a few words the difficult situation in which involve the 450,000 to 500,000 Haitians living in Miami and Fort-Lauderdale.

A visible ethnic group as that of the Haitian community, speaking a different language, involving in an Anglo-hispanophone area; it is an imperative necessity, Mr. Kennard that this community has his own Radio station, so that every one may be informed in their own language of all that is going on around them and through the world. Seeing the language barrier that prevents the Haitians to comprehend easily the laws that they must understand. As well as community information, school activities, trade programs etc.

If our request finds favortism by you, so that we arrive at having this media outlet, Mr. Director; we will call for people in law, Physicians or Professionals of all calibers, being able to bring through the airwaves, in Creole and in French, all the information this community needs.

As you know better than us; an uninformed people, cannot be developed, nor accomplish great things. It is in this optic that we are presenting to you our request.

If you understand our situation and provide us a frequency, between 1610, to 1710; we will be much obliged to you for what you have done for us, Mr. Director.

In case our demand has a chance by you; you will let us know, what will be the next steps to accomplish this project. Which, will be supported by our entire community.

Whether its power is, two hundred and fifty watts; so even on 35 feet antenna. The only thing that matters, is your approval for having our own Radio station.

For not having it, remains a handicap. We have experiencing That even more, during the hurricane season. Whence whose relative information, were more than a capital necessity.

If our request is taken in consideration, we will utilize this radio in great ways.

While we are waiting to hear from you, Mr. Director: Receive our anticipated thanks

Fo Creole radio:

A. Picard Parent.

Address all the correspondances to: P.O. Box 381-911, Miami Fla, 33138.

TL: 305-6934877.

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Jun 23 2 02 PH 199

OFFICE OF THE AMARMAN

June 21, 1999

FCC Chairman William Kennard Federal Communications Commission The Portals 445 12th Street, SW Washington, DC 20554

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OCT 25 1999

OFFICE OF THE SECRETARY

Dear Mr. Kennard,

I have been following the "Cat and Mouse" game that NAB has been playing regarding the Low Power FM issue. Their continuous requests for extensions are clearly nothing more than an effort to delay the introduction of LPFM. I understand that their (the NAB's) major concern is the possible incompatibility of LPFM with DAB or IBOC. Correct me if I'm wrong, but doesn't IBOC stand for "In Band, On Channel"? Doesn't this mean that the digital audio broadcast utilizes the EXACT same bandwidth as a conventional analog FM broadcast? If so, how can LPFM pose any more of a threat to IBOC signal integrity than to analog?

I believe the NAB is simply afraid of the threat that LPFM poses to their corporate profits, and not to IBOC. But that is exactly what a free market is all about, competition! Let's move forward with LPFM, put the voice of radio back into the hands of local communities, and help diversify radio programming in America.

Sincerely,

Eric Hoppe

Owner Progressive Concepts

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OFFICE OF THE CHAIRMAN

William E. Kennard Federal Communications Commission 1919 M Street N.W. Washington DC 20554

Larah Peterson

April 2, 1999

I feel that it is very important to localize Denver radio. A new class of low-power radio stations would help people that previously didn't have the chance to voice their thoughts and ideas to bring their ideas to the local community.

As a college student I would like to hear what other college students have to say about the issues facing us today. This would make radio available to students and people that don't have the money to fund a corporate radio station, but still have very innovative and important thought to convey to the community. I would love to see a radio station brought to the Auraria campus, and by changing the current regulations this would be very possible.

Sincerely,

Sarah Peterson

EX FARTE OR WITE ELED HUY: MM 99.25 RECEIVED onterey Calif 939 40-4450 Re MM Docked # 99-25 KM-9208 39 PM '99 RM -9242

OFFICE OF THE CHAIRMAN

Dean Willian Kennards The benefits of low power radio for outweigh the

added in convenience to a few broadcasters. A survey of the general population would reveal there are many people who almost never listen to radio and seldom water TV. This indicates that Prese is a very large andrine out there not being serviced. This occurs Arrive most statons are competing for the same type of audience us artition rating while the rest of the people go to half! There are many audences not being served. Some examples follow: Persons with advanced college degrees, sing served. Some examples follow: Persons who the have opinions of der persons, Ferrors of etheric origin, persons who the have opinions of the styles which differ from centric culture. What is availabeon Kadio

My reading of the broad casters comments leads me to felin they wish to maintain a monopoly on the air ware. This monopoly is not in the public interest when you consider my comment in the first paragraph.

The signal interference aloned be no worse than interference the sidned competion might incomience between existing because. some broadcisters with do not have satisfied audiences.

Hobard R. Olsen

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OCT 25 1999

THE HAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

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July 2., 1999

FX PARTE OR LATE FILED

MM 99-25

To: The Honorable William E. Kennard Chairman, Commissioner Gloria Tristani, Commissioner Michael Powell Commissioner Susan Ness Commissioner Harold Furchgott-Roth

OCT 25 1999

The Portals 455 Twelfth Street S.W. Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

- cc: President Clinton, Hillary Clinton, Vice President Al Gore, Bill Bradley, and George Busn, Jr.
- cc: Microradio Empowerment Coalition

Federal Communications Commission

MM Docket No. 99-25

Regarding The Creation of Low Power FM Licenses: RM-9242, RM-9208

Dear Honorable Chairman Kennard.

We are writing to commend you and the Federal Communications Commission for taking action on an issue of great importance to us - ending the 21-year ban on community access to the airwaves. We have become increasingly concerned about the growing concentration of the media in our country and are pleased that the Commission is responding to public outcry to increase opportunities for local communities to use our radio airwaves.

One of the fundamental tenets of our democracy is to ensure that diverse interests have opportunities to express themselves, not merely to be the recipients of what a handful of other people tell them. It is a non-negotiable component of our right to a free press and free speech.

Radio is perhaps the most qualified of any media outlet to provide community access. It is a relatively inexpensive medium to produce and is well-suited to cover community issues and local culture. Unfortunately, over the past three years the U.S. radio broadcasting industry has experienced an unprecedented wave of consolidation and mergers. As a result, the electronic medium best suited to inexpensive. local programming has become arguably the most regimented and centralized of our major media. Even a multimillionaire would have trouble entering the radio broadcasting industry today, because economies of scale (permitted by deregulation) demand that a firm own numerous stations in several markets to be even remotely competitive. As for the person of average means, their lot is limited to being a passive consumer of an increasingly monopolistic industry that has less and less competitive pressure to heed the diverse, local needs of listeners. And, for poor people and others who are considered unimportant to the advertising community, radio increasingly has little to offer. Again, the great tragedy of this situation is that radio is the ideal medium to provide an accessible local service for democratic communications of interest and value to the entire population.

Awarding licenses for new low power FM radio stations would empower local communities with a new public forum to express its many voices, cultures, ideas, and needs. Low power radio stations would create much needed public fora for a variety of groups - including community activists, youth, ethnic and linguistic minorities, the religious community, local artists and cultural associations - and provide a forum for dialogue and debate about important local and public interest issues. These kinds of stations would strengthen community identity in urban neighborhoods, rural towns and other communities which are currently too small to win attention from "mainstream", profit-driven media.

The strong interest in independent radio stations shows that the creation of low power radio service would have wide public support. The tremendous demand for microradio is demonstrated by the emergence of a national Free Radio Movement, widespread civil disobedience, constitutional challenges of the Commission's aggressively enforced 21-year ban, as well as the proliferation of unlicensed community radio stations supported by local government, whose operators broadcast at the risk of financial losses, seizure of property, arrest, and in some cases, imprisonment.

In addition, the Commission has stated that in the last year alone, 13,000 people inquired regarding the possibility of obtaining a license for low power broadcasting in their communities. In support with the efforts of the Microradio Empowerment Coalition (mec@tao.ca), we urge you to legalize microradio in order to benefit non-commercial community groups whose interest in microradio is to communicate, to educate, and to inform, not to make money. We are confident you agree that broad citizen access to information and culture is at the heart of a democratic society.

To support this vision, we urge you to legalize microradio with the following concerns in mind:

- Microradio licenses should be awarded for non-commercial use only.
 The current radio spectrum is dominated by commercial media.
 LPFM licenses should go to non-commercial community groups who want to use radio to communicate with their neighbors, not make profit from them.
- Licenses should be held locally, be non-transferable, affordable to all communities, easy to apply for and limited to one per license holder; they should NOT be businesses.
- 3. Power levels should be up to 100 watts in urban areas and up to 250 watts in rural areas.
- 4. The Commission should NOT diminish new low-power stations to "secondary status." It would be a tragedy to take away licenses from low-power community stations just because the Commission

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subsequently granted a power increase to a pre-existing station or granted a new high power license somewhere nearby.

- 5. The Commission should grant full amnesty for the microbroadcast pioneers who have suffered government seizure and fines. Their property should be returned. They should be granted equal opportunity in applying for and receiving new licenses.
- 6. Problems, technical or otherwise, should be referred to the local voluntary micropower organization for assistance or mediation (e.g. the Ham radio model). The FCC should be the forum of last resort.
- 7. LPFM must be protected and maintained in the future as radio makes the transition from analog to digital broadcasting.
- 8. If the FCC intends to license some commercial stations, they must be licensed last. In this instance, there should be a 2 year "headstart" for non-commercial licenses. The right of citizens to communicate is protected by the Constitution and the FCC's mandate. The right to make money through local radio is not a protection under the FCC's mandate.
- 9. Stations should be locally programmed. However recorded materials such as music, poetry, documentaries, features etc. may be used. Sharing of program materials and resources among micro and community stations is strongly encouraged. No more than 20% of air time from off-site feeds or syndicated tapes.
- 10. Licenses should be awarded to unincorporated non-commercial associations, and non-profit organizations.
- 11. Within two years new spectrum space (including any future digital spectrum space) should be allocated for continued expansion of microradio broadcasters so that any community group that wishes to broadcast has access to available spectrum space (frequencies). Further, all manufacturers of consumer radio receivers for sale in the United States should be required to include this spectrum set aside for microradio broadcasters.
- 12. Licensing fees should be affordable to all communities.

- 13. Again, we commend Chairman Kennard and the Commission for your willingness to address these issues. We are hopeful that the creation of a new class of low power FM radio licensing becomes a reality during the Chairman's present term. We look forward to working on making the airwaves more accessible for our local communities.

Signed,

MEC Honorary Chair: Robert W. McChesney, Madison

Steering Committee:

L> 13. community low power vadio shall

ke funded by fees callected from

successing of public airwaves to commercial broadcasters (the real pirates!)

RECEIVED Sara Zia Ebrahimi, Philadelphia Diane Fleming, Philadelphia Reter (Francisco Ananda Huron, Washington, D.C. Alan Korn, San Francisco Greg Ruggiero, New York City

Robert W. McChesney-- University Of Illinois, Urbana Noam Chomsky--Massachusetts Institute of Technology Howard Zinn--Professor Emeritus, Boston University Nancy Kranich--Librarian Ron Daniels--Executive Director, Center for Constitutional Rights George Gerbner--Founder, Cultural Environment Movement Edward Herman--Wharton School, University of Pennsylvania Janine Jackson--Fairness and Accuracy in Reporting Mark Crispin Miller--New York University Laura Flanders--national producer for Pacifica Radio David Barsamian--Director, Alternative Radio Elaine Bernard--Harvard Trade Union Program At Lewis--Organizer ("Grandpa" from the Munsters) Dee Dee Halleck--Deep Dish TV Ben Bagdikian--University of California, Berkeley Loretta Ross--Executive Director, National Center for Human Rights Education Carl Jensen--Founder, Project Censored Filen Braune--Publicist Jamie Love--Director, Consumer Project on Technology Dan Simon--Founder, Seven Stories Press Juliet Schor--Harvard University Herbert Schiller--Professor Emeritus, University of California, San Diego Barbara Ehrenreich--Author Gloria Steinem--Ms. Mumia Abu-Jamal--Journalist . Kurt Vonnegut-- Author

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Margaret Weston - citizen concerned about loss of public airmanes for public interest!

6810 Deaton Will 303 Austin Texas 18745

EX PARTE OR LATE FILED

OFFICE OF THE CHAIRMAN

The Honorable William Kennard, Chairman Federal Communications Commission 445 12th Street, SW Washington, DC 20554

RECEIVED

May 12, 1999

OCT 25 1999

Re: MM Docket No. 99-25

SHAPAL COMMUNICATIONS COMMISSIUM OFFICE OF THE SECRETARY

Dear Mr. Chairman,

Enclosed please find your personal copy of my comments of Trumper Communications stand on low power FM radio.

If you have any questions about my comments, I would enjoy speaking with you. My number is (505) 830-6430.

Sincerely,

Milt McConnell VP/General Manager Trumper Communications

Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

In the Matter of

Creation of a Low Power Radio Service

MM Docket No. 99-25

RM-9208 RM-9242

Comments of Trumper Communications-Albuquerque (KZRR-FM, KLSK-FM, KTEG-FM, KPEK-FM, KZSS-AM, KSYU-AM)

My name is Milt McConnell, and I am the Vice President and General Manager of the aforementioned radio stations in Albuquerque, New Mexico. Additionally, I am the President of the Albuquerque Broadcasters Association and am a Board member of the New Mexico Broadcasters Association.

I am writing to formally oppose the creation of a Low Power Radio Service. My main concern is the fact that the Federal Communications Commission would have to eliminate, or alter significantly, the interference protection FM broadcasters currently enjoy. At the same time, this idea could hurt our transition to digital broadcasting by eliminating the second-adjacent channel spacing restrictions currently in place.

As a broadcaster since 1970, I believe it prudent that the Commission should first determine what is necessary for development of the In-Band, On-Channel radio service. We would not want our transition to the digital world curtailed by the elimination of the current protection standards which IBOC proponents have used to develop their systems.

Further I would also argue the fact that the Commission has taken over two years to silence pirate operators in Portales and Soccoro, New Mexico. With the significant cutbacks in the field offices, it doesn't seem logical that there would be sufficient resources to be able to police thousands of new radio stations.

As the Commission is aware, the Docket 80-90 created thousands of new stations such as the proposal before us. History shows that we need real broadcasters who have a desire and ability to provide real service elements to their respective communities. The proposal of Low Power FM will not result in the desired creation of new minority and female ownership but rather will

put a significant dent in the ability of New Mexico Broadcasters in rural communities to provide the community news and public service now in place.

It has been suggested that 13,000 comments received by the Commission is driving this effort. May I suggest that the nearly \$20 million dollars in public service provided in 1998 by the New Mexico Broadcasters would be impacted negatively is this proposal is enacted. Which is a greater loss?

While the Commission has stated that they don't want to hear about the economic impact, the simple fact of the matter is that the economic viability of Albuquerque radio correlates to the ability of broadcasters to provide services. With potentially 36 new stations, (as announced by Commissioner Gloria Tristani before the New Mexico Broadcasters Association Friday April 30,1999), there would be nearly double the amount of signals in our metro area. A recent survey of our members indicates that such a result would translate in the cancellation of several information services the community now takes for granted.

Even if many minorities and church groups were able to have these stations, there are simply not enough of the new frequencies available for everyone who may want one. And there is no guarantee that minorities and females would want or receive a license.

In Albuquerque as a result of consolidation, there are more live talk programs, more talk programming that is local, and more diversification of programming than existed prior to the passing of the Telecommunications Act of 1996. For example, the formats that did not exist before consolidation include two new talk stations, a children's formatted station, and four additional Hispanic stations. We would still have many simulcast stations and many stations duplicating programming if it weren't for consolidation.

Finally I agree in principle with the Commission that there should be voice for minorities and women. The place for such opportunity is the Internet, not Low Power FM spectrum. There is a place on the Internet for everyone to set up their own broadcast of their specific interests. After seeing all of the imposters resulting from the Docket 80-90, there clearly is no place for inexperienced broadcasters in today's competitive media landscape. The idea is good, but the execution of LPFM will not result in the desired effect.

Sincerely,

Milt McConnell

VP/General Manager

Trumper Communications

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OCT 25 1999

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PHENOMEN COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

MARCH 10,1999

THE HONORABLE WILLIAM E. KENNARD CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION THE PORTALS 455 TWELFTH STREET S.W. WASHINGTON, DC 20554

EX PARTE OR LATE FILED

DEAR CHAIRMAN KEMMARD:

I AM WRITING TO YOU TO EXPRESS MY THANKS AND GRATITUDE FOR HELPING TO CREATE LPFM-DOCKETT MM 99-25. ALTHOUGH I AGREE COMPLETELY WE NEED THIS SERVICE, I AM VERY INTERESTED IN THE SO CALLED "THIRD TIER". THAT IS THE PROPOSAL FOR ONE TO TEN WATT CLASS. THIS WOULD BE OF GREAT HELP TO SMALL TOWNS AND EVEN JUST LOCAL NEIGHBORHOODS.I HOPE THIS LEVEL IS NOT FORGOTTON WITH ALL THAT IS STIRRED UP BY THIS PROPOSAL. I HOPE YOU WILL GAIN SUPPORT FROM THE CONGRESS AND OTHERS WHO ARE FOR THIS CLASS OF SERVICE.I HOPE TO ENLIST THE AID OF CONGRESSMAN FRANK PALLONE OF NEW JERSEY IN THIS CRUSADE. BEING IN THE PHILADELPHIA METRO AREA WE ARE SATURATED HERE IN SOUTH JERSEY WITH ALL THE CORPORATE OUTLETS THAT SEEM TO SERVE ONLY THEIR STOCK PRICE AND NOT CATER TO PROBLEMS AFFECTING OUR COMMUNITIES.I KNOW WHEN I ATTEND NAB99 NEXT MONTH IN LAS VEGAS THIS WILL BE A HOT ISSUE.AGAIN THANKS FOR YOUR SUPPORT AND BRAVERY IN THIS MATTER AND WITH GREAT SUPPORT FROM THE OTHER COMMISSION MEMBERS I KNOW THIS WILL BECOME A REALITY.

SINCERELY, Richard N. Tyler RICHARD N. TYLER 505 UHLER AVE BURLINGTON, NJ 08016

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July 13, 1999

EX PARTE OR LATE FILED Klahoma GHOENEK

The Honorable William Kennard Chairman Federal Communications Commission 445 12th Street, SW Washington, DC 20554

OCT 25 1999

OFFICE OF THE SECRETARY

Dear Mr. Chairman:

I am writing to express my deep concerns about the Notice of Proposed Rulemaking that the FCC has begun on the issue of low-power FM, also known as microradio.

One of the major tasks that the FCC is charged with is to ensure that our broadcast and other services are maintained in as interference-free an environment as possible. Yet as I look at this issue, it is clear to me that the Commission is giving serious consideration to abandoning its interest in protecting against interference by looking to add these new low power stations.

In the rulemaking itself, the Commission lays out the case in stark reality. Unless second and third channel interference protections are reduced, there can be no low-power FM stations added in most major markets. The only way those stations can come on stream is to reduce the protections against interference that make the FM band listenable. I see no public policy benefit from such an action.

Moreover, I do not see any forethought in this notice regarding the planned transition to digital audio broadcasting. Local stations will hopefully soon be adding a digital signal on top of their analog signals within the same band and channel. This service promises greatly improved clarity and service to the public. Yet the addition of micro or low- power stations has the potential to seriously impair the ability of the digital signals to reach listeners unimpeded by interference.

I also do not understand how the proposed ownership limits for low-power stations, or the Commission's desire to license certain favored group, can be reconciled with the Telecommunications Act of 1996 or the Balanced Budget Act of 1997.

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5105 S. Shields Blvd. Oklahoma City, OK 73129 (405) 616-5500 ~ Fax (405) 616-5505 It is my view that this rulemaking is far in advance of the science and research needed to demonstrate that it is both technically feasible as well as good public policy. While I understand the interest many may have in becoming broadcasters, it is my understanding that there are still AM and FM licenses available for application. Indeed, some of those applications are pending even as the Commission prepares to leapfrog into low-power FM.

I would urge you and your fellow commissioners to give serious consideration to placing any low-power FM actions on hold until and unless these technical issues are resolved and rules are adopted for digital audio broadcasting. American listeners depend on local broadcasters for important local news, weather and emergency bulletins, public affairs and other programming. We should not be putting access to that programming at risk by bringing on-line a new, untested and technically infeasible radio service that seems driven less by good public policy and more by an interest in placating pirate radio operators.

Thank you for your consideration of these views.

Sincerely,

Ty A. Tyler President

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FX PARTE OR LATE FILED MM 99-25

TEXOMA BROADCASTING, INC.

P.O. BOX 190 DURANT, OKLAHOMA 74702 (580)924-8823 FAX# (580) 924-0446

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The Honorable William Kennard Chairman Federal Communications Commission 445 12th Street, SW Washington, DC 20554 OCT 25 1999

DEPAIL COMMUNICATIONS COMMISSION
DEFICE OF THE SECRETARY

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It is my view that this rule making is far in advance of the science and research need to demonstrate that it is both technically feasible as well as good public policy. While I understand the interest many may have in becoming broadcasters, it is my understanding that there are still AM and FM licenses available for application. Indeed, some of those applications are pending even as the Commission prepares to leapfrog into low-power FM.

I would urge you and your fellow commissioners to give serious consideration to placing any low-power FM actions on hold until and unless these technical issues are resolved and rules are adopted for digital audio broadcasting. American listeners depend on local broadcasters for important local news, weather, and emergency bulletins, public affairs and other programming. We should not be putting access to that programming at risk by bringing on-line a new, untested and technically infeasible radio service that seems driven less by good public policy and more by an interest in placating pirate radio operators.

Thank you for your consideration of these views.

Add Flivell

Sincerely,

Todd Tidwell

Texoma Broadcasting, Inc.

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EX PARTE OR LATE FILED/M M 99-25

REGERECILLAS BROADCASTING

Aug | 7 | 45 PM 189 O. BOX 13895 SAN JUAN, PR 00908 TEL. (787) 723-4942

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OCT 25 1999

March 4, 1999

PERMAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

The Honorable William E. Kennard Chairman Federal Communications Commission 445 12th Street, S.W. Room 8-B210 Washington, DC 20554

Dear Chairman Kennard:

I am writing in opposition to the creation of a new low power FM radio service as proposed in the Commission's Notice of Proposed Rule Making ("NPRM"), released February 3, 1999. I am a radio broadcaster on the island of Puerto Rico. Puerto Rico possesses a number of unique factors which make it ill-suited to the expansion of the FM band. Puerto Rico, therefore, should be excluded from whatever rulemaking the Commission undertakes with regard to low power FM radio.

The island of Puerto Rico is a relatively small land area, less than 100 miles long and roughly 35 miles wide, that is currently saturated with AM and FM broadcast stations. Compared to the United States, Puerto Rico is made up of a mere 3,427 square miles, less than one tenth of one percent of the land area of the United States, a land area slightly larger than the State of Delaware. Nonetheless, despite its relatively small size, Puerto Rico has roughly 120 licensed radio stations. By comparison, Delaware has a mere 28 radio stations for an area roughly similar in size.

Puerto Rico has a unique topography. It is a small island with a large mountain range dividing the island from east to west. As a result, a disproportionately large number of radio stations have been licensed in Puerto Rico, many of which are licensed to small communities. Currently, all communities in Puerto Rico are well served by the existing AM and FM stations.

Another factor which makes Puerto Rico ill-suited to the newly proposed class of FM stations is the fact that the island has been designated by the FCC as a "coordination zone," designed to protect the Arecibo Radio Astronomy Observatory near Arecibo, Puerto Rico from

No. of Copies rec'd QL List ABCDE radio interference. In its Report and Order, the Commission stated that "the Observatory is a unique scientific tool, and ... harmful interference to the Observatory's operations is a serious concern." As a coordination zone, all broadcasters on the island are currently required to coordinate license modifications with the Observatory. Thus, to add the new class of stations to the island would not only add to the congestion of the radio frequencies, but also increase the likelihood of interference to the Observatory. Given the priority the Commission has placed on protecting the Observatory from interference, it would be inconsistent with the Report and Order to flood the Puerto Rican airwaves with even more radio stations.

In sum, such service would not benefit the residents of Puerto Rico, where a great number of radio stations adequately serve the public, and the broadcast spectrum is already crowded. As such, Puerto Rico would be better served without microradio broadcasting to further clutter the airwaves and it should be excluded from any rulemaking that the Commission undertakes in this matter.

Respectfully submitted:

Date: 8-12-99

A:\Lowpowfm.doc

Amendment of the Commission's Rules to Establish a Radio Astronomy
Coordination Zone in Puerto Rico, Report and Order, ET Docket No. 96-2, RM-8165, October 15, 1997.

² *Id.* at 5

KND MM 99-25 ORIGINAL TECEIVED OCT 25 1999 1269 CELYED to Road COMMISSION COMMISSION 25 15 m22 m 99MA 01062 JEFFICE OF THE SECRETARY July 12, 1499 Howave William E. Kannard, Chargement FESTEX PARTE OR LATE FILED Washington, D-C. 20554 Don m. Kenvard; re: proposed of pansin of low cost, brown ministrating We are concerned about important details related to the proposed before your to expand the number of legal "microstations". We listen to radio justo a fit these day a serving of school parton Minnow one of your productions, was right in Soming the commercial media is a "worst wasterland" That after the only area of relief in the programmy of mat I Puffic Radio. In particular, we are deeply appearation of the initiatives turn by our local stations on Ambersto. Mass & Branches, Mass. To a write translation Amberd Mas & Granta Mass to provide translater stations to expand quality talk radio to small markets not ottewise saved; by use of translator statured anything that is done which would render the presently margind translater services of this quality talk rapis product is unacceptable to us a wellings you to spital The interests of histories the us who you make make Trubu advance In your help Finerely yours Jong & Barbar Romban Derry - Barbara Rosen baum No. of Copies rec'd OHList ABCDE

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Dear Mr. Kennard:

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As you consider lecensing hundreds of low cost, low power "microstations" this fall, please don't do anything that could interfere with public ractio broadcasts Public ractio presentations are "head and shoulders" above those done on commercial stations in terms of over all quality. If this means not licensing "microstations" at all, then so be it. But if you do license them, don't confine them to the moncommercial band where they could affect public raction stations.

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Sincirely,

OCT 25 1999

Thomas M. Russo

2766 Chestnut Hill ave. athol, Ma 01331

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ALLSENH HOUBLIC RADIO

July 15, 1999

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OCT 25 1999

OFFICE OF THE SECRETARY

The Honorable William E. Kennard Chairman, Federal Communications Commission 425 12th Street, S.W. Washington, D.C. 20554

Dear Chairman Kennard:

We are writing with regard to the Federal Communications Commission's low power FM (LPFM) radio proceeding. (MM Docket 99-25) After meeting with members of the public radio community serving our district, we are concerned by two specific aspects of the FCC's proposal.

First, one or more of the proposed classes of low-power FM stations would supplant transistor service by existing public radio stations. Service by translators is essential to achieving universal access to public radio in our states and across the country. Low power radio must not diminish existing radio service.

Second, the Commission should not proceed with action on LPFM until the technical studies underway are concluded and it is established that this proposed service will not disrupt or impair existing service or the transition to digital radio. As you know, there are a number of leading technology companies nearing development of a digital radio transmission standard. We understand that significant testing of the competing standards will have occurred by the end of this year. We believe the prudent course is to delay this proceeding until the results of that testing are known.

This matter is extremely important to us and we urge you to give the above concerns the utmost consideration.

Sincerely,

Mariam Stepanian

President and General Manager

Main Stepan

Robert Cherry

Chairperson, Board of Directors

cc:

Office of the Secretary

Commissioner Susan Ness

Commissioner Harold Furchtgott-Roth

Commissioner Michael Powell

Commissioner Gloria Tristani

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May 5, 1999

OFFICE OF THE CHAIRMAN

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OCT 25 1999

OFFICE OF THE SECRETARY

Chairman William Kennard Federal Communications Commission The Portals 445 12th Street, SW Washington, D.C. 20554

Dear Chairman Kennard;

I am writing in support of your proposal to create a low power radio service. I am an Emerson College graduate of the class of 1998. While I was in school I majored in audio, with a goal of securing a job at a radio station once I was out. While I was growing up, I always knew that I wanted to work in radio because it seemed to hold such a rich spectrum of music and personalities.

Upon going through college, and studying the history of radio, and seeing the Telecommunications Bill of 1996 pass, I have noticed the state of radio in America change greatly. Upon searching for a job in this field I have noticed several things as well. As the laws changed and corporations were given free reign in owning stations, the prospect of owning as many stations as possible became a money-hungry manifest destiny for most corporations. The goal of acquiring as many stations as possible in order to increase revenue seems to be the main goal for corporations.

I understand that radio is a business and in order to stay on the air, the station or corporation in charge must do certain things to keep business in the black. But we have seen the programming content and structure of these stations become faceless and vapid. Local programming has been pushed out of the way to make way for sterile syndicated programming that is heard all over the country. The programming of radio stations has taken a distant back seat to the prospect of more money for the company.

The chances of someone turning on their radio, a device that practically everyone in this country owns, and hearing something that pertains to their community, is almost non-existent. There is a dire need for the radio to be opened up to the people again, and there is a great need for communities to be given this tool to help unify themselves. In areas around Greater Boston, there are many different immigrant groups that would benefit from the creation of 1-10 watt and 50-100 watt stations. Although I believe that the 500-1000 watt service can be included, such stations should not be allowed in urban areas, where crowded radio dials will allow for very few new stations as it is.

To fulfill its most important function--accessibility--LPFM owners should be restricted to a single station and should live close to the broadcast area of the station. Cross-media ownership should definitely not be allowed.

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I commend you for your foresight in proposing this service and hope that you are able to succeed in your plan to open up the airwaves to new voices. I look forward to the day when the radio dial is a spectrum of diversity again.

Sincerely yours,

Mike Toda

EX PARTE OR LATE FILED MM 99-25

1830 California St., N. W. #6 Washington, D. C. 20009 March 9, 1999

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The Honorable William E. Kennard Chairman, Federal Communications Commission The Portals 455 Twelfth Street S.W. Washington, DC 20554 RECEIVED

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PELIERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

Dear Chairman Kennard:

I am writing to commend the Commission for taking action on an issue of great importance to us -- improving access to our airwaves for our local communities. We have become increasingly concerned about the growing concentration of the media in our country and are pleased that the Commission is taking action to increase opportunities for local communities to use our radio airwaves.

One of the fundamental tenets of our democracy is to ensure that diverse interests have opportunities to express themselves at different levels, and that they are not locked out in a monopolistic, globalized fashion. It is as fundamental as free speech. Radio is perhaps the most qualified of any media outlet to provide community access. It is a relatively inexpensive medium to produce and is well-suited to cover community issues and local music. Unfortunately, today's radio is the most concentrated and formulaic medium in the country. Providing licenses to low power FM radio stations would create new opportunities for local voices to be heard in their communities.

Allowing low power FM radio stations on the air would empower local broadcasters to serve their communities with a variety of new voices and services. Low power radio stations would be able to address specific groups -- including minority groups, the religious community, and linguistic minorities -- and provide a forum for debate about important local issues. These kinds of stations would strengthen community identity in urban neighborhoods, rural towns and other communities which are currently too small to win attention from "mainstream", ratings-driven media.

Further, they would provide an outlet for the diverse, local voices and musicians that are presently priced out of the market. These stations would also provide advertising options for local businesses and increased employment opportunities in these communities.

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The strong interest in independent radio stations shows that the creation of low power radio service would have wide support. The tremendous public demand for microradio is demonstrated by the proliferation of illegal radio stations, whose operators broadcast at the risk of financial losses and, in some cases, imprisonment.

Again, we applaud the Commission's willingness to address this issue. We are hopeful that the creation of a new class of low power FM radio service will soon become a reality. We look forward to working on making the airwaves more accessible to our local communities.

Sincerely,

Willand Saumaus Willard Saunders

ORIGINAL

Ron Spurga 45 Sutton Place South New York, New York 10022

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OCT 25 1999

— FEB 9 5 46 PN 199 An. 30, 1999

PENERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear MR. Kennard EX PARTE OR LATE FILED

I would

like to be considered as a petitioner for a low. Possies Fm Station

recovering from open heart surgery, and I would like to offer a variety of

programming for people with

heart disease

oppreciate your putting

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Ron Spurga 45 Sutton Place South New York, New York 10022

receive all mecessary information.

Most Sincerely, Non Spuisa EX PARTE OR LATE FILEM M 99-25

ORIGINAL

Hebard R. Olsen 720 Woodcrest Ln Monterey Ca 93940-4450 hebard@mbay.net 7-7-99

Jul 13 12 16 PM '99

Dear Honorable Charman Kennard and other comissioners

OFFICE OF THE OLAISMAN

Please support the LPFM as described in the enclosed letter. Most of the claimed interference to existing broadcasting is due to competition not due to electrical interference! With most commercial stations receiving extremely small amount of my time and that of 30% of Americans lots of competition will be needed to shore up the vast wasteland to quote Newton Minnow! Please get the LPFM up and running as per letter.

With the concentration of media power in the hands of few companies and their desire to please their advertisers at the expense of the public our sources of information have become highly censored. This censoring extends beyond the political into the social , cultural , artistic and music spheres. I consider LPFM as described in the attached letter a necessity if the United States is to consider itself a democracy. How can one vote intelligently with out information. Present media restricts cultural information which is necessary to vote on minority issues. Please Hebard Olsen

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OCT 25 1999

FOR FRAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

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cc: Vice President Al Gore, Bill Bradley, George Bush, Jr.

Dear Honorable Chairman Kennard:

We are writing to commend you and the Federal Communications Commission for taking action on an issue of great importance to us -- ending the 21-year ban on community access to the airwaves. We have become increasingly concerned about the growing concentration of the media in our country and are pleased that the Commission is responding to public outcry to increase opportunities for local communities to use our radio airwaves.

One of the fundamental tenets of our democracy is to ensure that diverse interests have opportunities to express themselves, not merely to be the recipients of what a handful of other people tell them. It is a nonnegotiable component of our right to a free press and free speech.

Radio is perhaps the most qualified of any media outlet to provide community access. It is a relatively inexpensive medium to produce and is well-suited to cover community issues and local culture. Unfortunately, over the past three years the U.S. radio broadcasting industry has experienced an unprecedented wave of consolidation and mergers. As a result, the electronic medium best suited to inexpensive, local programming has become arguably the most regimented and centralized of our major media. Even a multimillionaire would have trouble entering the radio broadcasting industry today, because economies of scale (permitted by deregulation) demand that a firm own numerous stations in several markets to be even remotely competitive. As for the person of average means, their lot is limited to being a passive consumer of an increasingly monopolistic i ustry that has less and less competitive pressure to heed the diverse, al needs of listeners. And, for poor people and others who are considered unimportant to the advertising community, radio increasingly has little to offer. Again, the great tragedy of this situation is that radio is the ideal medium to provide an accessible local service for democratic communications of interest and value to the entire population.

Awarding licenses for new low power FM radio stations would empower local communities with a new public forum to express its many voices, cultures, ideas, and needs. Low power radio stations would create much needed public fora for a variety of groups -- including community activists, youth, ethnic and linguistic minorities, the religious community, local artists and cultural associations -- and provide a forum for dialogue and debate about important local and public interest issues. These kinds of stations would strengthen community identity in urban neighborhoods, rural towns and other communities which are currently too small to win attention from "mainstream," profit-driven media.

The strong interest in independent radio stations shows that the creation of low power radio service would have wide public support. The tremendous demand for microradio is demonstrated by the emergence of a national Free Radio Movement, widespread civil disobedience, constitutional challenges of the Commission's aggressively enforced 21-year ban, as well as the proliferation of unlicensed community radio stations supported by local government, whose operators broadcast at the risk of financial losses, seizure of property, arrest, and in some cases, imprisonment.

In addition, the Commission has stated that in the last year alone, 13,000 people inquired regarding the possibility of obtaining a license for low power broadcasting in their communities.

In support with the efforts of the Microradio Empowerment Coalition (http://www.nlgcdc.org/mec/index.html), we urge you to legalize microradio in order to benefit non-commercial community groups whose interest in microradio is to communicate, to educate, and to inform, not to make money. We are confident you agree that broad citizen access to information and culture is at the heart of a democratic society.

To support this vision, we urge you to legalize microradio with the following concerns in mind:

- 1. Microradio licenses should be awarded for non-commercial use only. The current radio spectrum is dominated by commercial media. LPFM licenses should go to non-commercial community groups who want to use radio to communicate with their neighbors, not make profit from them.
- 2. Licenses should be held locally, be non-transferable, affordable to all communities, easy to apply for and limited to one per license holder; they should NOT be businesses.
- 3. Power levels should be up to 100 watts in urban areas and up to 250 watts in rural areas.
- 4. The Commission should NOT diminish new low-power stations to "secondary status." It would be a tragedy to take away licenses from low-power community stations just because the Commission subsequently granted a power increase to a pre-existing station or granted a new high power license somewhere nearby.
- 5. The Commission should grant full amnesty for the microbroadcast pioneers who have suffered government seizure and fines. Their property should be returned. They should be granted equal opportunity in applying for and receiving new licenses.
- 6. Problems, technical or otherwise, should be referred to the local voluntary micropower organization for assistance or mediation (e.g. the Ham radio model). The FCC should be the forum of last resort.
- 7. LPFM must be protected and maintained in the future as radio makes the transition from analog to digital broadcasting.
- A. If the FCC intends to license some commercial stations, they must be licensed last. In this instance, there should be a 2 year "headstart" for non-commercial licenses. The right of citizens to communicate is protected by the Constitution and the FCC's mandate. The right to make money through local radio is not a protection under the FCC's mandate.
- 9. Stations should be locally programmed. However recorded materials such as music, poetry, documentaries, features etc. may be used. Sharing of program materials and resources among micro and community stations is strongly encouraged. No more than 20% of air time from off-site feeds or syndicated tapes.
- 10. Licenses should be awarded to unincorporated non-commercial associations, and non-profit organizations.

- 11. Within two years new spectrum space (including any future digital spectrum space) should be allocated for continued expansion of microradio broadcasters so that any community group that wishes to broadcast has access to available spectrum space
- equencies). Further, all manufacturers of consumer radio receivers for sale in the United States should be required to include this spectrum set aside for microradio broadcasters.
 - 12. Licensing fees should be affordable to all communities.

Again, we commend Chairman Kennard and the Commission for your willingness to address these issues. We are hopeful that the creation of a new class of

low power FM radio licensing becomes a reality during the Chairman's present term. We look forward to working on making the airwaves more accessible for our local communities.

Signed,

MEC Honorary Chair: Robert W. McChesney, Madison

MEC Steering Committee: Sara Zia Ebrahimi, Philadelphia Diane Fleming, Philadelphia Peter Franck, San Francisco Amanda Huron, Washington, D.C. Alan Korn, San Francisco Greg Ruggiero, New York City

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#

Kurt Vonnegut -- Author
